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December 1, 2006

Karl E. Longley, Vice Chair
Central Valley Regional Water Quality Control Board
Sacramento Main Office
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

**Re: City of Colfax Wastewater Treatment Plant
December 8, 2006 Board Agenda Item # 27**

Dear Mr. Longley,

The Central Valley Regional Water Quality Control Board has the responsibility to ensure clean water in this area of California. The City of Colfax sewage treatment plant is under the Board's jurisdiction and has long operated under permits issued by the Board. Unfortunately, the Colfax plant has a long history of poor operations that have resulted in permit violations and pollution, with consequent downstream impacts to aquatic life and human users. Sierra Club realizes that the Board is limited in the tools it can use to enforce state and federal water laws. And we understand that the Board has tried all the tools available to bring Colfax into compliance, except for the collection of fines.

In 2003, the Board was forced to turn to fines as an enforcement option for Colfax. It issued a fine citation to the City for some of the violations the City had incurred. An agreement was made with the City to provide for those fines to be applied to reconstructing the plant to full tertiary treatment, as the Board had ordered in 2001. Under the terms of the agreement, Colfax had to meet very specific conditions, including the completion of the ordered reconstruction by June 14 of 2006.

We understand Colfax has not finished the reconstruction of its treatment plant, and in fact the city has not yet gone out to bid for construction. Now Colfax is asking the Board to accept relatively minor, interim modifications to its plant as being sufficient to meet the order's requirement for full reconstruction.

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If the Board accepts the Colfax position and forgives the fines, even though the City has not fully complied with the Board's order to reconstruct, the Board will be sending a powerful and very disturbing message to all current and future facilities within its jurisdiction. Permittees will assume that they can avoid or ignore permit requirements with no adverse consequences. Forgiving the fines issued to Colfax in the absence of compliance will undermine the Board's enforcement authority with all its permittees.

Whether the source of pollution is a municipality or an industry, it makes no difference in the threat to public health. The Colfax treatment plant has a long history of raw sewage discharges, accompanied by promises of treatment plant upgrades that never seem to get accomplished. Meanwhile raw sewage continues to threaten the health of downstream residents and pollute a tributary to the North Fork American River, a federally designated Wild and Scenic River.

The Sierra Club requests that the Board require Colfax to fully meet the conditions of the 2003 fine citation and to comply with the Board's 2001 orders to complete the reconstruction of its sewage facility to full tertiary treatment by the agreed date. If Colfax has not met those conditions, the Board must collect the fines that are described in the 2003 citation. Colfax must not be allowed to jeopardize with impunity the public's health, safety and welfare.

Sincerely,

A handwritten signature in cursive script that reads "Terry Davis".

Terry Davis
Conservation Program Coordinator
Mother Lode Chapter Sierra Club

cc: Board Members
Pamela Creedon
Ken Landau
Allen Edwards
Bill Jennings, CSPA
Steve Evans, FOR
James Pachl Esq.